

## **SECOND DAY OF ANNUAL SESSION**

Johnstown, NY

November 19, 2012

Roll Call – Quorum Present

Supervisors: Argotsinger, Born, Callery, DiGiacomo, Fagan, Gendron, Handy, Howard, Johnson, Kemper, Kinowski, Lauria, MacVean, Ottalagano, Ponticello, Potter, Waldron

TOTAL: Present: 17 Absent: 3 (Supervisors Bradt, Capek and Ottuso)

Chairman Gendron called the meeting to order at 1:01 p.m. with Supervisors Bradt, Capek and Ottuso absent upon roll call. Following the Pledge of Allegiance to the Flag, Chairman Gendron requested a moment of silence in honor of former County Treasurer Allen R. Bohne who passed away November 17, 2012.

### **CHAIRMAN'S REPORT**

Chairman Gendron advised that he received an e-mail from Capital District OTB Board Member Robert Roth advising that a total of \$54,625.00 was reimbursed to Fulton County from OTB as of October 31, 2012. He stated that this surpassed the budgeted amount of \$52,200.00 and he estimated that approximately another \$3,000.00 will be received for 2012. He also projected about \$58,000.00 in revenue from OTB in 2013.

### **RESOLUTIONS**

Jon Stead, Administrative Officer, advised that Resolution No. 430 (Resolution to Appoint Director of Information Services/Printing) was acted upon earlier today. Until candidates can be notified, this resolution will not be made public. A press release will be issued within the next couple of days.

***No. 429 (Resolution authorizing sale of certain surplus equipment from the Solid Waste Department and Highways and Facilities Departments):*** Supervisor Johnson stated that it does not appear to be a lot of money for some of the items. Mr. Stead advised that the first 9 items were from the Department of Solid Waste and a minimum bid of \$250.00 was placed on all vehicles. He also advised that most of these were items that were purchased through government surplus over the years. The Director of Solid Waste reviewed the bids and recommended that they be sold at the amounts identified. The rest of the items are from the Highways and Facilities Department and are in poor condition.

Supervisor Howard asked if these vehicles have been checked against scrap value. Mr. Stead stated he believes that is why a minimum bid of \$250.00 was suggested by Solid Waste Director Bouchard.

Finance Chairman Greg Fagan began review of the Tentative 2013 County Budget. Alice Kuntzsch, Budget Director, distributed an agenda for today's budget workshop. She also distributed a "2012-2013 Summary by Functions and Budget Adjustments worksheet". Ms. Kuntzsch reviewed budget adjustments made to the Tentative Budget since the November 13 Board meeting.

Supervisor Callery asked why some of the insurance line items have been increased so much. Mr. Stead advised that these adjustments are being done because liability and property premiums are pro-rated among the departments to ensure proper state or federal reimbursement is obtained. He stated that they are mostly auto adjustments and each department is now being charged specifically for the number of vehicles that each has. He stated that there are no increases or decreases from the insurance amount that was approved by resolution a month or so ago.

**Supervisor Argotsinger made a motion to accept the budget adjustments as presented, seconded by Supervisor Howard and unanimously carried.**

Supervisor Kemper asked how much fund balance has been applied to date. Ms. Kuntzsch stated \$1.5 million of fund balance has been applied prior to today. Supervisor Ponticello asked what the fund balance remains at after the \$1.5 million was applied. Ms. Kuntzsch stated that the General Fund has a balance of approximately \$8.2 to 8.7 million. The D-Fund has \$940,000.00. The DM-Fund has \$145,000.00. The impact of closing the Residential Health Care Facility on the fund balance will be approximately a \$1.3 million to \$1.8 million reduction. The current Fund Balance for the General Fund is approximately \$6.7 million.

Supervisor DiGiacomo asked if line item A-055-1170.415 Investigation Svcs in the Public Defenders Office could be reduced by \$10,000.00. He stated that \$20,000.00 has been budgeted but they have only used \$1,300.00 to date.

**Supervisor DiGiacomo made a motion to reduce Public Defender line item .415 by \$10,000.00, seconded by Supervisor Lauria and unanimously carried.**

Supervisor Ponticello asked if this account is short next year, where does the money come from. Chairman Gendron stated that it normally comes from the Contingent Fund if excess money cannot be found in the budget of the department.

Supervisor Lauria asked if line item A-085-1325.421 Co. Treasurer Conf, Sch & Seminars could be reduced to \$725.00. It is budgeted for \$1,450.00; however, they only used \$661.00 for 2012. Ms. Kuntzsch advised that only one person went this year and the Treasurer will be sending two people next year.

Supervisor Callery questioned line item A-085-1325.409 Co. Treasurer Professional Services. He stated that there is \$22,500.00 budgeted for 2013. He also asked if there is still a contract with past County Treasurer Bruce Ellsworth. Ms. Kuntzsch stated that the Treasurer has budgeted \$2,500.00 for a contract with Mr. Ellsworth.

Ms. Kuntzsch also explained that the .409 contains contracts with Munitstat, Systems East and GASB 45 actuarial costs that are due in 2013 at a cost of \$16,000.00.

**Supervisor Callery made a motion to reduce Treasurer's line item .409 by \$500.00 and reduce the contract with former County Treasurer Bruce Ellsworth by like amount, seconded by Supervisor Ponticello and unanimously carried.**

Supervisor DiGiacomo recommended reducing .456 Co Treasurer-Printing by \$500.00. Mr. Stead explained that .457 is for books from McKinney's Law.

**Supervisor DiGiacomo made a motion to reduce line item .456 by \$500.00, seconded by Supervisor Lauria and unanimously carried.**

**Supervisor DiGiacomo made a motion to reduce line item .110 in the Board of Elections by \$1,000.00, seconded by Supervisor Callery and unanimously carried.**

Supervisor Lauria asked if .402 BOE Travel could be reduced by \$1,000.00. Mr. Stead stated that both commissioners will most likely need to go to training in 2013 and therefore this money will be needed.

Supervisor DiGiacomo questioned line item 3020.408 Enhanced 911-Telephones budgeted at \$45,000.00. Mr. Stead advised that this is in conjunction with E-911 revenue budgeted in the same amount.

*(Supervisor DiGiacomo left the meeting at 2:05 p.m.)*

Supervisor Lauria asked if line item A-325-3140.421 Probation- Dept-Conf, Sch & Seminars budgeted for \$500.00 could be reduced. Mr. Stead advised that this will be used for training of the new director next year.

Supervisor Ponticello asked if the Probation Supervisor position could remain vacant for one year to give the new Probation Director a chance to see if this position is truly needed. He stated that there are seven (7) Probation Officers and three other employees in the Probation Department. Supervisor Fagan stated that the vacancy review process is in place for 2013. Before this position can be filled, the Director will have to come to Finance and request this vacancy be filled along with justification for filling it.

Supervisor Lauria stated the Probation Supervisor provides administrative coverage when the Director is absent. Supervisor Ottalagano noted that 2 to 3 jobs have been cut out of this department over the past couple of years. He stated that two Probation Officers and one (1) Senior Probation Officer have been cut.

Supervisor Born stated that line item A-345-3150.403 Jail-Repairs/Tuneups has only used \$2,323.00 to date yet they are requesting \$10,000.00 for 2013. Since a new van was purchased in the last year or two, she asked if this could be reduced by \$2,500.00. Supervisor Lauria suggested reducing this line item by \$5,000.00.

**Supervisor Born made a motion to reduce line item .403 in the Jail by \$2,500.00, seconded by Supervisor Ottalagano.**

**Supervisor Lauria made a motion to reduce line item .403 in the Jail by \$5,000.00, seconded by Supervisor Kemper.**

Chairman Gendron stated the Board is here to come up with a good budget. As departments run out of money, they will come back to their respective Committees and the money will have to be found. He stated that he believes a \$5,000.00 reduction is too drastic. He stated that he would not support this request.

Supervisor Born stated they used almost \$4,000.00 last year. She stated that cutting it to \$5,000.00 is too drastic. Supervisor Lauria stated the Sheriff finds extra money in his budget every year.

**A vote was then held on the reduction of line item .403 in the Jail by \$5,000.00. Supervisors Argotsinger, Callery, Howard, Johnson, Kemper, Lauria, Ponticello, and MacVean voted in favor. Supervisors Born, Fagan, Gendron, Handy, Kinowski, Ottalagano, Potter and Waldron voted against. That motion was carried.**

Supervisor Lauria asked if line item .460 Jail-Paper Supplies could be reduced by \$1,500.00. Supervisor Waldron stated that with so many boarded inmates, the administration is anticipating this cost to be higher in 2013.

**Supervisor Lauria made a motion to reduce line item .460 Jail-Paper Supplies by \$1,500.00, seconded by Supervisor Ottalagano and carried. (Supervisors Johnson, Kinowski, Potter and Waldron were opposed).**

Supervisor Callery asked why the .100 Special Corrections Officers Payroll was increased by \$5,000.00. He doesn't see the justification for this increase. Supervisor Waldron stated that no explanation was provided in committee.

**Supervisor Callery made a motion to reduce line item .100 Spec Corr Officers-P/R by \$5,000.00, seconded by Supervisor Lauria and unanimously carried.**

Supervisor Born asked if line item .415 Civil Def-Power could be reduced by \$500.00. She stated this line item has never gone above \$5600.00.

**Supervisor Born made a motion to reduce line item .415 Civil Def-Power by \$500.00, seconded by Supervisor Lauria and carried. (Supervisor Kinowski opposed)**

Supervisor Ponticello stated that in tough economic times, difficult decisions need to be made regarding personnel and he thinks this is an opportunity to eliminate the Probation Supervisor position with a savings of approximately \$80,000.00. He stated that he doesn't feel you need a supervisor to manage seven employees. He stated that the Director needs to think "outside the box". Supervisor Johnson questioned the logic of not having a qualified backup person for the

Director if this position is eliminated. Supervisor Johnson stated the County would be irresponsible to not have a case supervisor as backup to the Director as well as have a line of succession to the Probation Director in the future.

Supervisor Born asked if line item .456 Public Health-Printing could be reduced by \$1,500.00. Ms. Kuntzsch stated that \$4,000.00 is for the "Lead Grant".

Supervisor Lauria suggested that line item .406 Public Health-Comm Health Assess be reduced \$2,500.00. They are requesting \$6,000.00 but have only used \$2,500.00 to date. Mr. Stead stated that this needs to be discussed with the Public Health Director because there may be required advertising or pamphlets that need to be done. It is likely part of the grant deliverables. Ms. Kuntzsch stated that she will contact Mrs. Frederick and have an answer for the Board at its November 26 meeting.

Supervisor Potter recommended reducing line item .402-DSS-Travel by \$1,000.00. Ms. Kuntzsch stated that she will check the revenue side to see if this is reimbursable.

**Supervisor Potter made a motion to reduce line item .402-DSS-Travel by \$1,000.00, seconded by Supervisor Ponticello and unanimously carried.**

**Supervisor Lauria made a motion to reduce line item .403 Weights & Measures-Repairs by \$200.00, seconded by Supervisor Johnson and unanimously carried.**

**Supervisor Lauria made a motion to reduce line item .454 Weights & Measures-Auto Supplies by \$300.00, seconded by Supervisor Callery and carried. (Supervisors Gendron, Kinowski, Ottalagano and Waldron opposed)**

Supervisor Handy questioned the \$75,000.00 contribution to the Centers for Regional Growth. Mr. Stead stated that can be addressed when the contract comes before the full Board for a formal decision next month.

Ms. Kuntzsch advised the Board that she had received a letter from the Fulton County Chamber of Commerce confirming the amount to be budgeted for the local tourism funding match, line item 6410.410. She stated that the match amount is \$58,135.00.

**Supervisor Callery made a motion to include \$58,135.00 as the local match for tourism funds for the Fulton County Chamber of Commerce, seconded by Supervisor Gendron and carried. (Supervisors Ponticello and Kinowski were absent)**

Supervisor Callery asked why the line item for Cornell Cooperative Extension was increased. Mr. Stead stated that the administration cost for 4-H is all that is funded in 2013. This is the \$65,922.00 that is identified and was agreed to by the Board in a prior three-year contract. The Board will have to decide in the 2014 budget process whether to continue funding 4-H or not.

Supervisor Kemper stated her concern with Cornell and 4H. Supervisor Lauria asked for a breakdown of the Cornell Budget. Supervisor Fagan stated that there is a budget and it will be reviewed in Finance. Supervisor Born asked the total number of participants in 4-H. Supervisor Fagan stated that a number was provided, but was not sure what it was.

Supervisor Callery asked about the Road Fund increase. Mr. Stead stated that this is a result of the upcoming CR110 project. CHIP funds will be available for this project as well as federal funding.

Supervisor Potter questioned Revenues line item 2720-OTB. He asked if anything is being done to address the trend of declining revenue. He stated that this used to be over \$100,000.00, but now is budgeted for \$58,000.00. Chairman Gendron stated that this is the number that was projected by the OTB Representative.

Supervisor Callery asked what line item 2701 – Refund of Approp Ex-Prior Years is for. Ms. Kuntzsch explained that this is the line item for A-600 encumbrances. This is needed for “carryover” expenses from the previous year. It is a type of encumbrance.

**Supervisor Callery made a motion to increase .2701-Refund of Approp Ex-Prior Years from \$275,000.00 to \$400,000.00, seconded by Supervisor Lauria and unanimously carried.**

Chairman Gendron stated that this will reduce the levy by .5 percent. What is the downside of this? Ms. Kuntzsch stated if it doesn’t come in at that amount, a budget amendment will have to be done later in the year and it will be a reduction of the fund balance.

Supervisor Kemper stated her concern with this is the County already knows that HR-BRRD is not going to pay their taxes and this will affect the Fund Balance.

Supervisor Callery asked Ms. Kuntzsch for clarification on 2703 Prior Year-PHC (3-5). Ms. Kuntzsch stated that a budget amendment must have been done in 2012. It was originally budgeted for \$48,670.00. She stated that she will have to look at what budget amendments were put through to change this amount. She stated that she will investigate this and have an answer for the November 26 meeting.

Supervisor Lauria asked with regards to line item 1990.400 Contingency, the budget reflects that \$500,000.00 was budgeted in 2012. To date, there is a balance of \$381,000 but \$500,000.00 is being budgeting again for 2013. He asked if the County expects to need that much. Ms. Kuntzsch stated that there are three unions who have not settled contracts yet. Chairman Fagan stated that this needs to be maintained in case something gets settled. Ms. Kuntzsch explained that as budgets get tighter and tighter, this is the only place to hit for extra money if the need arises.

Supervisor Howard asked when the towns and villages were made whole on HR-BRRD tax issue, where was this taken from. Ms. Kuntzsch stated the fund balance was impacted.

Supervisor Lauria stated he gets upset because the Governor constantly states that counties have to make cuts, but then the State can't pay its own bills that they owe. Mr. Stead stated the last lawsuit with HR-BRRD sought penalties and interest, but that request was denied.

(Supervisor Kinowski left the meeting at 3:38 p.m.)

Ms. Kuntzsch advised the Board that as a result of the cuts made today, the tax rate for the 2013 budget decreased from 8.2 percent to 7.8 percent. She stated that the Board has cut about 5 cents on the tax rate.

Supervisor Fagan stated that the Board needs to discuss the possibility of applying more Fund Balance. He stated that a 1 percent reduction in the budget equates to cutting approximately \$250,000.00. If Fulton County had a tax cap, the tax levy cap would be 2.52 percent.

Supervisor Callery stated if the Board was to apply \$1.5 million of the Fund Balance, "would that take us to the tax cap?"

Supervisor Callery asked what the current levy increase over last year is. Ms. Kuntzsch stated that with the changes made today, the current levy is at \$30,203,388.00. Last year's levy was \$27,742,581.00. The difference is \$2,460,807.00. If the Board wants to be under the tax cap amount, the allowable increase in levy would be \$28,441,749.00. She stated that the Board would have to reduce about another \$1.7 million from the Budget.

Supervisor Ponticello stated that just because the tax cap was over-ridden, "the tax cap is not finite". He stated this Board can still meet the tax cap if it wants to. Mr. Stead stated that is correct; however, technically Fulton County does not have a "tax cap" because it was overridden by local law.

Supervisor Lauria stated that the counties who did not override the tax cap will be hurting in a few years because they are using up their Fund Balances.

Chairman Gendron stated that a lot of changes were made today and everyone should take a few days to think about whether additional money should be applied from the Fund Balance. He stated that this is a very important decision. He stated that he personally feels that this should be discussed on Monday, November 26 with a full Board.

Ms. Kuntzsch stated that the average tax rate stands at \$12.47 per thousand, or a 7.8 percent increase. The 2012 tax increase was 5.5 percent. If the Board decides to apply \$1.5 million from the General Fund Fund Balance, it would lower the tax levy to \$28,703,388.00. The levy as of today is \$28,441,749.00.

Supervisor Ponticello asked what the rate increase would be and what the tax levy increase would be. Ms. Kuntzsch stated that the average rate per thousand would be \$11.85, which is an increase of 2.42 percent. The tax levy increase would be 3.46 percent. This equates to 28 cents per thousand.

She projected that if the Board chooses to apply \$1.9 million of Fund Balance, the rate per thousand would be \$11.68 with a 1 percent increase in the average rate. The tax levy increase would be 2.02 percent which equates to 11 cents per thousand.

Supervisor Callery stated it all comes down to on how much the Board is willing to risk of the Fund Balance to help reduce the tax levy. Hopefully a more solid number from the Treasurer will be available on Monday, November 26.

Chairman Gendron stated when the Fund Balance is gone, there is nowhere else to go. He stated that he would never be in favor of borrowing money to run this county.

Supervisor Howard asked what percentage of the budget is mandated. Ms. Kuntzsch stated that she did not know at this time.

Supervisor Ponticello asked about contracts with the unions and whether health insurance is on the table during current negotiations.

*(Supervisor Waldron left the meeting at 4:06 p.m.)*

Mr. Stead stated that Fulton County employees pay a larger percentage towards their insurance than most other government agency employees do. Right now they are probably paying around 30 percent of the cost for family coverage.

Upon a motion by Supervisor Callery, seconded by Supervisor Ponticello and unanimously carried, the Board recessed until Monday, November 26 at 1:00 p.m.

*Certified by:*

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*Jon R. Stead, Administrative Officer/ Date  
Clerk of the Board*



## Resolution No. 429

Supervisors KEMPER and ARGOTSINGER offered the following Resolution and moved its adoption:

### RESOLUTION AUTHORIZING SALE OF CERTAIN SURPLUS EQUIPMENT FROM THE SOLID WASTE AND HIGHWAYS AND FACILITIES DEPARTMENTS

WHEREAS, Resolution 342 of 2012 authorized advertisement for bids for the sale of certain surplus equipment in the Solid Waste and Highways and Facilities Departments; and

WHEREAS, several bids were received for this equipment; now, therefore be it

RESOLVED, That upon the recommendation of the Solid Waste Director and Superintendent of Highways and Facilities and Committees on Economic Development and Environment and Buildings & Grounds/Highway, the bids be and hereby are awarded, as follows:

<u>Item</u>	<u>Bid Price</u>	<u>Bidder</u>
1. 1994 Chevrolet S-10 Pickup Truck	\$ 775.00	Richard Lynaugh, Johnstown
2. 1988 Chevrolet Astro Van LT	350.00	Rebecca Montano, Gloversville
3. 1999 Ford Taurus LX	261.00	Peter Battisti, St. Johnsville
4. 1988 Chevrolet Tool Truck	655.00	Tim Cheney, Johnstown
5. 1994 GMC 1500 Pick-up Truck	378.00	Peter Battisti, St. Johnsville
6. 1973 120V 3-Phase Generator	115.00	Tim Cheney, Johnstown
7. Flood Lighting Unit with Trailer	333.33	Stanley Spoar, St. Johnsville
8. Flood Lighting Unit (no trailer)	179.79	Stanley Spoar, St. Johnsville
9. Sweeper Vac	10.00	Terry Ackernecht, Johnstown
10. 2005 Dodge Van	679.00	John Subik, Mayfield
11. 2000 Chevy 1500 Truck 4x4	301.50	Peter Battisti, St. Johnsville
12. 2000 Chevy 1500 Truck 4x4	351.00	Peter Battisti, St. Johnsville
13. 2002 Chevy 1500 Truck 4x4	801.79	Dale Van Epps, Gloversville
16. 1975 Ford 900 Water Tanker	1,603.00	Apollo Northeast, Johnstown
17. 2006 Crown Victoria	459.00	John Subik, Mayfield
18. 2007 Crown Victoria	479.00	John Subik, Mayfield
19. 2007 Crown Victoria	350.00	John Subik, Mayfield
20. 2007 Crown Victoria	301.00	Peter Battisti, St. Johnsville

and, be it further

**Resolution No. 429 (continued)**

RESOLVED, That the proceeds from said sale of Items 1-9 shall be deposited into Revenue Account EW-083-2665.000 Sales of Equipment; and, be it further

RESOLVED, That the proceeds from said sale of Items 10-13 and 16 shall be deposited into Revenue Account DM-083-2665.000 Sales of Equipment; and, be it further

RESOLVED, That the proceeds from said sale of Items 17-20 shall be deposited into Revenue Account A-083-2665.000 Sale of Equipment to Genl Fund; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Solid Waste Director, Superintendent of Highways and Facilities, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor WALDRON and adopted by the following vote:

Total: Ayes: 503 (17) Nays: 0 Absent: 48 (3) (Supervisors Bradt, Capek and Ottuso)

## **Resolution No. 430**

Supervisor FAGAN offered the following Resolution and moved its adoption:

### **RESOLUTION TO APPOINT DIRECTOR OF INFORMATION SERVICES/PRINTING**

WHEREAS, a vacancy exists in the position of Director of Information Services/Printing for Fulton County; and

WHEREAS, the Board of Supervisors has received applications and interviewed applicants for said position; now, therefore be it

RESOLVED, That Perry Lovell, of Hinsdale, NY, be and hereby is appointed to the position of Director of Information Services/Printing (Job Group D-2), effective at a mutually agreed upon start date of January 1, 2013, at a permanent salary rate of \$70,000.00 per year; and, be it further

RESOLVED, That the initial term of office shall run through December 31, 2013, with terms thereafter running for the normal two-year term; and, be it further

RESOLVED, That the appointee is hereby also authorized to work on a part-time per diem basis at a pro-rated salary equal to \$38.31 per hour during December 2012; and, be it further

RESOLVED, That the candidate shall establish permanent Fulton County residency within 180 days of the appointment date; and, be it further

RESOLVED, That the appointee be and hereby is directed to sign the Fulton County Oath Book and complete a Financial Disclosure Statement for filing with the Fulton County Ethics Board; and, be it further

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, All Department Heads, Personnel Director, Fulton County Ethics Board, County Clerk, Perry Lovell, Budget Director/County Auditor and Administrative Officer/Clerk of the Board.

Seconded by Supervisor HOWARD and adopted by the following vote:

Total: Ayes: 327 (11) Nays: 0 Absent: 224 (9) (Supervisors Bradt, Capek, Johnson, Kemper, Lauria, MacVean, Ottuso, Ponticello, and Potter)